

Message Text

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TAGS: CI, PINS

SUBJ: MIR TRIAL PRODUCES FIRST SENTENCES

REF: SANTIAGO 1323

1. SUMMARY. ACQUITTALS, RELATIVELY LIGHT SENTENCES, AND ACCESS OF PRESS AND FAMILIES TO MILITARY COURTS INDICATE GOC APPLYING STRICTER STANDARDS OF JUSTICE AND SOMEWHAT MORE HUMANE JUDGMENT IN SERIES OF NEW TRIALS. END SUMMARY.

2. COURT MARTIAL (CONSEJO DE GUERRO) SITTING IN TEMUCO MAR 26 AND 27 SENTENCED 14 ACCUSED MEMBERS OF OUTLAWED MOVEMENT OF REVOLUTIONARY LEFT TO PRISON TERMS RANGING FROM 60 DAYS TO 10 YEARS. LONGEST TERM GIVEN TO LUIS JARA SANCHEZ, STUDENT, AGE 23 CONSIDERED AMONG LEADERS OF MIR IN REGION. COURT CONSISTED OF SIX JUDGES: TWO ARMY, TWO AIR FORCE, TWO CARABINERO. FAMILIES OF ACCUSED AND PRESS ALLOWED TO ATTEND. TRIALS CONTINUE MAR 28 9* 27 MORE ACCUSED AS GOC ANNOUNCES MIR STRUCTURE IN CAUTIN AND MALLECO PROVINCES COMPLETELY DESTROYED.

3. SIX OTHERS IN TEMUCO TRIAL ABSOLVED AND FREED. SEVEN OF FOURTEEN CONVICTED HAD TIME ALREADY SPENT IN JAIL COUNTED TOWARD SENTENCES AND FREED. ACCORDING TO DEFENSE ATTORNEY, LATTER GROUP WERE FACTORY WORKERS WHO BORE ARMS IN DEFENSE

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OF FACTORY BEFORE RPT BEFORE COUP AND WERE ARRESTED ON SUS-

PICION SEPT 12. PROSECUTION HAD ASKED SENTENCES OF FIVE YEARS FOR THREE OF THIS GROUP. ONE OF GROUP DESCRIBED AS CHRISTIAN DEMOCRAT MILITANT.

4. MILITARY AUTHORITIES CAUTIN PROVINCE ISSUED LIST OF 61 NAMES OF FUGITIVE MIRISTAS ORDERED TO SURRENDER WITHIN 15 DAYS FROM MAR 25. AFTER THA, NAMES WILL BE SENT TO SANTIAGO FOR PUBLICATION IN DIARIO OFICIAL UNDER PROVISIONS DECREE LAW 81 (SANTIAGO 5515, 1973). TO DATE DL 81 HAS NOT BEEN USED BY GOC.

5. TRIAL CONDUCTED UNDER HEAVY SECURITY MEASURES, WITH NEIGHBORING STREETS BLOCKED.

6. ON MAR 26 MILITARY COURT IN OSARNO BEGAN TRIAL OF SIX PERSONS ACCUSED OF ARMS LAW INFRACTIONS AND TERRORIST ACTIVITIES. TWO DEATH SENTENCES ASKED BY PROSECUTOR, WITH SENTENCES OF BETWEEN FIVE AND TWENTY YEARS FOR OTHERS.

7. ANOTHER MILITARY COURT IN CHILLAN WILL SOON CONSIDER CASE OF COMMON CRIMINAL CAUGHT IN ACT OF ARMED ROBBERY. DEATH PENALTY SOUGHT BY PROSECUTOR.

8. COMMENT: CASE IN CHILLAN SIGNIFICANT IN THAT MILITARY COURT TO TRY CIVILIAN FOR CIVILIAN OFFENSE, IN WHICH APPARENTLY ONLY CONNECTION WITH MILITARY JURISDICTION IS FACT OF POSSESSION OF GUN IN CONTRAVENTION OF ARMS CONTROL LAW (SANTIAGO 1508).

9. GOC HANDLING OF THESE TRIALS SUGGESTS CONCERN OVER INTERNAL AND FOREIGN IMAGE, AND PERHAPS SOME COOLING OF EMOTIONS OF FIRST MONTHS AFTER COUP. ACCESS OF PRESS AND FAMILIES TO TRIALS IS NEW, AND RELATIVE RESTRAINT OF SENTENCING COMPARED TO FIRST TRIALS AFTER COUP REFLECTS CONSIDERABLE IMPROVEMENT FROM HUMAN RIGHTS ANGLE. ACQUITTALS IN TEMUCO MIR TRIAL, BASED ON LIMITED EVIDENCE IN PRESS REPORTS, SEEM TO INDICATE JUDGES CONSIDERED PROSECUTION CASE CRITICALLY AND APPLIED STANDARDS OF EVIDENCE MORE TYPICAL OF CHILEAN JUSTICE IN NORMAL TIMES.
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